



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

HC

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/082,044	05/20/98	SHAH	N SHAH-11

DAVID H HITT
HITT CHWANG & GAINES
225 UNIVERSITY PLAZA
275 WEST CAMPBELL RD
RICHARDSON TX 75080

LM12/0407

EXAMINER

DINH, K

ART UNIT	PAPER NUMBER
----------	--------------

2758

DATE MAILED:

04/07/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/082,044

Applicant(s)

Shad

Examiner

Dinh Khanh

Group Art Unit

2758

☒ Responsive to communication(s) filed on Jan 31, 2000

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1, 3-8, 10-15, and 17-21 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1, 3-8, 10-15, and 17-21 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

Art Unit: 2758

DETAILED ACTION

1. This is in response to the amendment filed on 1/31/2000. Claims 2, 8 and 16 are canceled. Claims 1, 3-7, 9-15 and 17-21 are presented for examination.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3, 5-7, 10, 12-14, 17, 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wada et al US pat. No.5,845,079 in view of Suzuboka et al US pat. No.5,933,832.

As to claim 1, Wada discloses a system for communicating with the Internet comprising:

an address parser (migration post transmission unit, 27 of fig.2) that makes a determination of whether said site is a mobile site or a fixed site (see abstract, figs. 2 and 6, col.16 line 32 to col.17 line 45, col.18 lines 16-54 and col.27 lines 17-43).

Wada does not specifically disclose a communication manager to manage said determination and a mirror site. However, Suzuoka discloses a communications manager (i.e., network controllers 500, 504 to control) that manages communication with a mirrored site (i.e., for reducing the concentration of access to a popular site and reduce the traffic) (see abstract, col.1 lines 31-62,

Art Unit: 2758

col.2 lines 23-40) or other site if either one unavailable (see col.5 line 28 to col.6 line 7). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to utilize a communication manager as taught by Suzuoka into the system of Wada because it would have allowed remote servers to control access information more quickly.

As to claim 3, the Wada-Suzuoka combination discloses that communications manager prompts said site to update said mirror (see Wada's abstract and col.39 lines 28-65 and Suzuoka's col.4 lines 26-48).

As to claim 5, Wada further discloses that the address parser makes said determination of whether said site is said mobile site from a top level domain name of said site (i.e., using Virtual Internet Protocol and Physical Internet Protocol as a header of the packet as it transmits a packet to a mobile node) (see col.1 line 51 to col.2 line 23).

As to claim 6, Wada further discloses that the communications manager acknowledges said communications to said mobile site (see col.2 lines 9-23 and col.11 lines 25-62).

As to claim 7, Wada discloses that the communications manager are associated with the internet (see Wada's col.1 line 57 to col.2 line 9).

Art Unit: 2758

Claims 8, 10 and 12-14 are rejected for the same reasons set forth in claims 1, 3 and 5-7 respectively.

Claim 15 is rejected for the same reasons set forth in claim 1 with the combination of Wada and Suzuoka. As to the added limitations, Wada further discloses:

a plurality of fixed sites having fixed-site domain names associated with the stationary host (12 of fig.6 and figs .11).

a plurality of mobile sites having mobile-site domain names associated with the mobile host (mobile host 11 of fig.6 and figs.11).

a communications infrastructure (13 of fig.6) that couples ones of said pluralities of fixed and mobile sites for communication.

Claims 17 and 19-21 are rejected for the same reasons set forth in claims 1, 3 and 5-7 respectively.

4. Claims 4, 11 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wada and Suzuoka as applied to claim 1 above, and further in view of Adiwoso et al US pat. No.5,963,862.

Art Unit: 2758

As to claim 4, Wada and Suzuoka's teachings still applied as in item 3 above. Neither Wada nor Suzuoka discloses that communications manager buffers said communications to accommodate lower bandwidth when said site is a mobile site. However, the step of buffering communications to accommodate lower bandwidth is generally well known in the art as disclosed by Adiwoso (see abstract, fig.3, col.8 line 66 to col.9 line 44). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to implement Adiwoso's teaching into the system of Wada because it would have enabled users to control access links faster.

Claims 11 and 18 are rejected for the same reasons set forth in claim 4.

Response to Argument

5. Applicant's arguments with respect to claims 1, 3-8, 10-15 and 17-21 have been considered but are moot in view of the new ground(s) of rejection.

* *In response to applicant's argument that there is no suggestion to combine the references*, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

Art Unit: 2758

In this case, the motivation would have allowed remote servers to control access information more quickly.

** Applicant asserted that the Logue reference does not disclose a communication manager to direct a request of data to a mobile site or to a mirror site when the mobile site is unavailable.*

The combination of Wada and Suzuoka discloses directing a request of data to a mobile site or to a mirror site when the mobile site is unavailable (i.e., by divide the database in unit of sites to reduce the concentration of access to a popular site and reduce traffic) (see col.3 line 46 to col.4 line 34) as disclosed above (see item 3).

Conclusion

6. Claims 1, 3-8, 10-15 and 17-21 are **rejected**.
7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

Art Unit: 2758


will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh Dinh whose telephone number is (703) 308-8528. The examiner can normally be reached on Monday through Friday from 8:00 A.m. to 5:00 P.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (703) 305-4731. The fax phone number for this group is (703) 305-7201.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305 -9600.

Khanh Dinh
Patent Examiner
Art Unit 2758
April 6, 2000.


ZARNI MAUNG
PRIMARY EXAMINER